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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-fourth session
Agenda item 8

THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Draft resolution submitted by Mr. Boutkevitch, Mr. Chernichenko, Mr. Despouy, Mr. Edie, Mr. Maxim, Ms. Palley, Mr. Sachar, Ms. Warzazi and Mr. Yimer

1992/.. Human rights dimensions of population transfer, including the implanation of settlers and settlements

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolutions 1990/17 of 30 August 1990 and 1991/28 of 29 August 1991, in which it decided to include the question of the human rights dimensions of population transfer, including the implantation of settlers and settlements, in its future work programme with a view to considering further effective action on this matter,

Noting that the implantation of settlers and the removal of people received explicit attention in various country-specific resolutions adopted by the Sub-Commission in 1991, 1990, and previously, as well as in the second

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progress report on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities (E/CN.4/Sub.2/1992/37),

Concerned that population transfer policies have affected and continue to affect numerous countries and peoples, as well as minorities, throughout the world,

Considering that the policy and practice of population transfer, including the removal of people and the implantation of settlers, particularly where induced or conducted by Governments and occupying authorities, invariably have serious consequences for the enjoyment or constitute a serious violation of the human rights of the people removed, the original inhabitants of the countries and territories concerned, as well as the settlers,

Recalling the rights enshrined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples, in particular the right to freedom of movement, to choose one's residence and to leave any country and to return to one's country, the right to be free from arbitrary interference with one's privacy, family or home, the right to an adequate standard of living, the inherent right to life, the right to liberty and security of person, the right of all peoples freely to determine their political status and freely to pursue their economic, social and cultural development and freely to dispose of their natural wealth and resources,

Recalling also the International Covenant on the Elimination of All Forms of Racial Discrimination and the Convention on the Prevention and Punishment of the Crime of Genocide, which defines the act of genocide to include deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part,

Aware that the practice of population transfer inherently leads to widespread and systematic discrimination,

Conscious that population transfer may constitute part of a general policy directed against distinct ethnic, racial or religious groups and may be motivated by strategic, demographic, military and political aims of imposing effective control over and assimilation of nations and peoples,

Disturbed by reports concerning the implantation of settlers and settlements in certain countries, including occupied territories, with the aim of changing the demographic structure and the political, cultural, religious

and other characteristics of those countries or with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group as such,

Especially disturbed by reports of deliberate policies towards distinct ethnic, racial or religious groups, of so-called ethnic cleansing and demographic manipulation in certain countries,

Recalling that article 49 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, states that the Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies,

Noting with deep concern that this practice is a significant factor in the origin and deepening of ethnic unrest and conflict, which contribute towards increasing social, economic, political and cultural instability, thereby threatening world peace and security,

Having in mind that the draft Code of Crimes against the Peace and Security of Mankind currently being elaborated by the International Law Commission states, in article 21, that compulsory population transfer constitutes an international crime,

1. Recognizes that practices of population transfer constitute a violation of fundamental human rights;

2. Entrusts Mr. Al-Khasawneh and Mr. Hatano, as Special Rapporteurs, with preparing a preliminary study on the human rights dimensions of population transfer, including the implantation of settlers and settlements;

3. Requests the Special Rapporteurs to examine, in the preliminary study, the policy and practice of population transfer, in the broadest sense, with a view to outlining the issues to be analysed in further reports, in particular the legal and human rights implications of population transfer and the application of existing human rights principles and instruments;

4. Requests the Secretary-General to give the Special Rapporteurs all the assistance necessary for their study;

5. Encourages the Special Rapporteurs, in preparing the preliminary study, to examine the widest possible variety of sources, including information received from non-governmental and other relevant organizations;

6. Requests the Special Rapporteurs to submit the preliminary study to the Sub-Commission at its forty-fifth session, for consideration of, inter alia, how most effectively to proceed and take effective further action on the issue of population transfer;

7. Requests Mr. Asbjørn Eide, in his study on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities to address, in his next report, the impact of population transfer on the rights of minorities;

8. Recommends to the Commission on Human Rights the following draft decision for adoption:

The Commission on Human Rights, noting Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/.. of .. August 1992, endorses the decision of the Sub-Commission to entrust Mr. Awn Shawkat Al-Khasawneh and Mr. Ribot Hatano, as Special Rapporteurs, with preparing a preliminary study on the human rights dimensions of population transfer, including the implantation of settlers and settlements, and requests the Secretary-General to give the Special Rapporteurs all the assistance necessary for their task.